

REMARKS

Claims 1-26 are pending in the application and are subject to requirement for restriction.

Restriction Requirement

The Examiner has required restriction to one of the following inventions under 35 U.S.C. 121 and 372:

- I. Claims 1-8, 17, 19, 20 and 25 (in part, the extent claim 25 reads on a protein or peptide), allegedly drawn to proteins or peptides related to the amino acid sequence of SEQ ID NO: 1;
- II. Claims 9-10, 21-23, 24 (in part, to the extent claim 24 reads on a probe that comprises a DNA of claim 9) and 26, allegedly drawn to DNA molecules, and compositions thereof;
- III. Claims 11, 24 (in part, to the extent claim 24 reads on a probe that comprises an antibody) and 25 (in part, to the extent claim 25 reads on an antibody), allegedly drawn to antibodies that bind to a polypeptide having the amino acid sequence of SEQ ID NO: 1, or the peptide of claim 3;
- IV. Claims 12-14, 18 and 25 (in part, to the extent claim 25 reads on a composition of immune cells), allegedly drawn to compositions of helper T cells, cytotoxic T lymphocytes or immunocyte populations comprising helper T cells or cytotoxic T lymphocytes; and

- V. Claims 15 and 16, allegedly drawn to methods of suppressing a tumor comprising introducing the cells of claim 12 into a body.

In addition, Examiner has indicated that election is required of one of the following species:

Each of the peptide sequences of SEQ ID NO: 3 through SEQ ID NO: 22.

Election

In order to be responsive to the requirement for restriction, Applicants elect the invention set forth in Group II (claims 9-10, 21-23, 24 and 26). Applicants further elect SEQ ID NO: 14 in response to the requirement to elect a species. All pending claims are readable on the elected species.

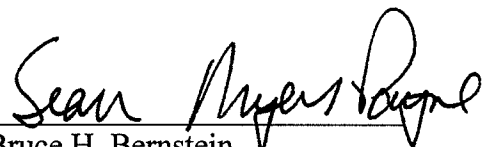
The Examiner indicates that the inventions listed as Groups I-V do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the invention allegedly lacks the same corresponding special technical feature. The Examiner also indicates that the species are deemed to lack unity of invention because they allegedly are not so linked as to form a single general inventive concept under PCT Rule 13.1. The Examiner has not set forth any reason as to *why* the species are not so linked, and the restriction should be withdrawn for this reason alone.

Moreover, it would appear that a search for the inventions of at least Groups I and II identified by the Examiner would be coextensive, or at least, significantly overlap. That is, if the Examiner were to perform a search for the invention of Group II, there would not appear to be a

serious burden in continuing the examination of Group I. For this reason, and consistent with Office policy as set forth in M.P.E.P. § 803, Applicants respectfully request that the Examiner reconsider and withdraw the Requirement for Restriction with respect to at least these two Groups.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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